

Practitioner's Docket No. MPI00-010P1RCP1M

U.S.S.N. 10/658,904

REMARKS

This Amendment and Response is in reply to the Office communication mailed October 4, 2005. Applicant thanks the Examiner for indicating that claims 5, 6 and 21 are allowable. Applicant also thanks the Examiner for reviewing the Information Disclosure Statement. In the next communication, Applicant respectfully requests that the Examiner indicate whether the drawings are acceptable.

Herein, Applicant is canceling claim 22 and is adding new claim 35 drawn to the elected subject matter. Support for new claim 35 can be found in the specification at, for example, paragraph [0020]. The specification is being amended to update and adjust the flow of the priority information paragraph. No new matter is added. Claims 12, 13, 15, 16, and 23-34 are withdrawn. Upon entry of the amendment, claims 5, 6, 12, 13, 15, 16, 21 and 23-35 will be pending. The Examiner's concerns in the Office communication are addressed below.

Priority

The Examiner requested an update of the priority information in the first paragraph of the specification. Applicant herein provides an amended paragraph [0001] which updates the priority information and adjusts the flow of the information contained within the paragraph.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 22 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the interest of furthering the progress of this application and without acquiescing to this position, Applicant is canceling claim 22. This cancellation renders the rejection moot and Applicant respectfully requests that the rejection be withdrawn.

Rejoinder

Applicant submits that new claim 35 will be found allowable, and together with allowed claims 5, 6 and 21, the application is allowable with respect to the group elected after the Restriction Requirement of August 1, 2005. Applicant believes that now, the Examiner, under MPEP § 821.04, can undertake the review of the withdrawn process claims, 12, 13, 15, 16, and 23-34, which depend from or otherwise include all the limitations of the allowable product claims, as acknowledged on page 2 of the Office communication. In the next Office communication, Applicant respectfully requests comment on these withdrawn claims after rejoinder.

(Page 6 of 7)

Practitioner's Docket No. MP100-010P1RCP1M

U.S.S.N. 10/658,904

These Amendments and Remarks are provided to place this application, having both elected and rejoined claims, in condition for allowance. Early notice to this effect is solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at the telephone number below.

This paper is being filed timely as a request for a one month extension of time for response is being requested concurrently herewith. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

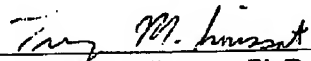
Entry of the remarks made herein is respectfully requested.

6 February 2006

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

By


Tracy M. Sioussat, Ph.D.

Registration No. 50,609

40 Landsdowne Street

Cambridge, MA 02139

Telephone - 617-374-7679

Facsimile - 617-551-8820

(Page 7 of 7)